



**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF SOLID AND HAZARDOUS WASTE**



**COMPLIANCE HISTORY FOR THE
DESERET CHEMICAL DEPOT**

INCLUDING

**THE DESERET CHEMICAL DEPOT
THE CHEMICAL AGENT MUNITIONS DISPOSAL SYSTEM
THE TOOEELE CHEMICAL AGENT DEMILITARIZATION FACILITY**

- **August 1986** – Tooele Army Depot – South Area submits application for a Resource Conservation and Recovery Act (RCRA) Part B Permit. The Tooele Army Depot – South Area is now called Deseret Chemical Depot (DCD).
- **September 1986** – The Program Manager for Chemical Demilitarization submits an application for a RCRA Part B Permit for the Tooele Chemical Agent Demilitarization Facility (TOCDF) located at DCD.
- **May 1989** – Tooele Army Depot – South Area submits application for a RCRA Research, Development and Demonstration (RD&D) for the Chemical Agent Munitions Disposal System (CAMDS) located at DCD.
- **June 30, 1989** – RCRA Part B Permit issued and construction begins on the TOCDF.
- **May 1991** - RCRA RD&D Permit issued to the CAMDS located at DCD.
- **July 3, 1991** - Notice of Violation No.90091530 issued by the Division the Tooele Army Depot - South Area prior to the name change to Deseret Chemical Depot. This Notice of Violation (NOV) addressed findings documented by Division inspectors who inspected the Tooele Army Depot - South Area between August 13 and September 20, 1990. Findings

addressed in this NOV were:

Failure to file an unmanifested waste report.
Treatment of unpermitted waste.
Failure to inspect or analyze waste shipped to the facility.
Failure to perform required inspections.
Failure to keep an accurate operating record.
Failure to properly complete hazardous waste manifests.
Failure to maintain written job descriptions.
Failure to follow rules for training of employees.
Storage of hazardous waste without a permit.
Failure to follow requirements for generators of hazardous waste.
Failure to properly analyze and characterize waste.
Failure to provide notice of appropriate treatment standards.
Failure to follow waste analysis plans.

- NOV No. 90091530 contained several Compliance Orders. The NOV was resolved by completion of all activities associated with these Orders.
- **April 1993** – RCRA Part B Permit issued for the Tooele Army Depot – South Area.
- **December 5, 1994** - Warning Letter No. 9411061 issued by the Division to the TOCDF. Division inspectors conducted an inspection on October 6, 1994 in response to a complaint received from a former employee. Also addressed in this warning letter were items reported by the facility on October 7, 1994. Items addressed were:

Accumulation of F999 Acutely Toxic Waste in satellite areas in quantities larger than allowed.
Treatment of P999 hazardous waste without an appropriate permit.
Inadequate training plans.
Shipment of hazardous waste without a manifest.
Changes to facility designs and operations could result in permit modifications.
Venting of ACAMS.

- **March 13, 1995** – Warning Letter No. 9503010 issued by the Division to the CAMDS. This letter required the CAMDS to comply with requirements for use of certification statements on documents submitted to the Division.
- **June 15, 1995** - Compliance Order No. 9505034 issued by the Division to the TOCDF. This order allowed the facility to proceed with surrogate trial burns on Liquid Incinerator #1 even though there were some minor items, which needed to be, resolved through the construction certification process.

- August 23, 1995** – Notice of Violation No. 9502013 issued by the Division to DCD. This NOV addressed findings documented during inspections performed at DCD by Division inspectors between June 1994 and June 1995. Findings addressed in this NOV were:

 - Unpermitted storage and treatment of hazardous waste.
 - Failure to report a spill of hazardous waste.
 - Failure to properly train personnel.
 - Failure to maintain an accurate operating record.
 - Improper storage of hazardous waste.
 - Exceeding permitted treatment capacities.
- NOV No. 9502013 has been resolved by Stipulation and Consent Order (SCO) No. 9509047. The SCO was signed on November 5, 1997. The SCO requires the facility to pay the sum of \$40,200 dollars in fines and penalties and requires the submission of documentation and permit modifications. The penalty amount was to either be paid in total or divided into a payment of \$10,000 in cash and completion of a Supplemental Environmental Project to mitigate the remaining \$30,200.
- September 21, 1995** - Compliance Order No. 9509048 issued by the Division to the TOCDF. This order allowed the facility to proceed with surrogate trial burns on the Deactivation Furnace even though there were some minor items that needed to be resolved through the construction certification process. This letter also notified the facility that inspections had been performed and the facility had complied with the order issued on June 15, 1995.
- September 21, 1995** - Warning Letter issued by the Division to the TOCDF. This letter addressed some issues in regards to how the facility conducted public information meetings. The facility was required to perform an additional public information meeting for certain modifications and open another public comment period.
- November 22, 1995** - Letter issued by the Division to the TOCDF stating that the facility had completed all items required by Compliance Order No. 9509048.
- April 15, 1996** - Notice of Violation No. 9601005 issued by the Division to the TOCDF. This Notice of Violation (NOV) addressed several findings documented during inspections associated with the Liquid Incinerator #1 surrogate trial burn, the Deactivation Furnace surrogate trial burn and the TSCA R&D test. Items addressed in the NOV were:

Failure to make a hazardous waste determination.

Manifest deficiencies.

Failures to submit permit modifications within the required time periods.

Failure to notify the mailing list as required.

Open containers of hazardous waste.

Inadequate operating record.

Failure to check tank level switches for proper calibration.

Exceeding the incinerator feed rates.

Failure to report a spill of hazardous waste.

- NOV No. 9601005 was resolved by permit modifications submitted by the facility.
- **June 26, 1996** – Compliance Order No. 9602009 issued by the Division to the CAMDS. This Order supersedes the RD&D Permit issued to the CAMDS in May of 1991. This Order allowed limited hazardous waste activities to take place at the CAMDS until either a Part B Permit was issued or the facility is closed.
- **July 17, 1997** – Notice of Violation No. 9702005 issued by the Division to the CAMDS. This NOV addressed findings documented by Division inspectors during inspections performed during the time frame of November 1995 to March 1997. Items addressed in the NOV were:

Storage of hazardous waste without a permit.
Failure to comply with rules for generators of hazardous waste.
Failure to follow the facility Waste Analysis Plan.
Failure to follow the facility Inspection Plan.
Failure to follow rules and permit conditions for container storage.
Exceeding permitted incinerator feed rates.
Failure to maintain emergency equipment listed in the facility Contingency Plan.
- NOV No. 9702005 was resolved by Stipulation and Consent Order (SCO) No. 9803003 which was signed on September 15, 1999. The SCO requires the facility to pay the sum of \$39,920 dollars in fines and penalties and requires the submission of documentation and plans. The penalty amount was to either be paid in total or divided into a payment of \$10,000 in cash and completion of a Supplemental Environmental Project to mitigate the remaining \$29,920.
- **November 17, 1997** - Notice of Violation No. 9708014 issued by the Division to the TOCDF. This NOV addressed several findings documented by Division inspectors during daily site inspections as well as items self-reported by the facility during the time frame from August 1996 to August 1997. Items addressed in the NOV were:

Storage of hazardous waste without a permit.

Failures to submit permit modifications within the required time periods.
 Storage of waste for longer than 90 days in non-permitted areas.
 Failure to inspect.
 Failure to correctly label a hazardous waste tank.
 Exceeding the permitted capacity of a hazardous waste storage tank.
 Open containers of hazardous waste.
 Inadequate operating record.
 Failure to notify the Executive Secretary.
 Exceeding incinerator feed rates.
 Failure to properly calibrate and maintain monitoring equipment.
 Failure to analyze monitoring equipment as required.
 Training plan deficiencies.
 Failure to properly operate and maintain all systems used to achieve compliance with the facility permit.
 Failure to comply with the facility security plan.
 Failure to follow trial burn plans.
 Failure to remove liquid from sumps within the required time frame.

- NOV No. 9708014 has been resolved by a Judicial Consent Decree. Utah District Judge L.A. Dever signed this Consent Decree on December 13, 1999. The Consent Decree requires the facility to pay the sum of \$93,783 dollars in fines and penalties. The Consent Decree also requires the facility to submit several documents.
- **April 16, 1998** – RCRA Research, Development and Demonstration (RD&D) Permit for Lewisite Neutralization System at the CAMDS is issued.
- **September 3, 1998** – Compliance Order No. 9808018 issued by the Division to the CAMDS. This Order replaced Order No. 9602009 issued to the CAMDS in June of 1996. The Order was needed to allow off-site shipment of spent decontamination solutions for disposal and to allow the CAMDS to refine some operating parameters.
- **December 1998** - RCRA Part B Hazardous Waste Treatment Permit issued to DCD for the Rapid Response System Miscellaneous Unit will allow treatment of Chemical Agent Identification Sets (CAIS) currently stored at DCD.
- **April 16, 1999** - RCRA Research, Development and Demonstration (RD&D) Permit for Lewisite Neutralization System at the CAMDS is re-issued. Additional renewals of this permit have been placed on hold at the request of the facility.
- **June 17, 1999** – Notice of Violation No. 9903007 issued by the Division to the TOCDF.

This NOV addresses several findings documented by Division inspectors performing daily site inspections during 1998 and during a Compliance Evaluation Inspection (CEI) performed in August and September of 1998. Also addressed in this NOV were items self-reported by the facility. Items addressed in the NOV include:

Failure to notify the mailing list regarding a Class 1 permit modification within the required time frame.

Failure to keep containers of hazardous waste closed.

Failure to label containers of hazardous waste.

Storage of newly generated hazardous waste for longer than 90 days.

Failure to properly close opened valves.

Failure to remove a possible leaking tank from service.

Denial of access to portions of the facility operating record.

Failure to obtain approval for design changes prior to implementing the changes.

Failure to follow the Waste Analysis Plan.

Failure to follow the Inspection Plan.

Failure to follow the Training Plan.

Failure to analyze monitoring equipment as required.

Storage of waste not listed in the permit.

Allowing sumps to overfill and not draining sumps within the required time frame.

Failure to maintain and test monitoring equipment as required.

Feeding waste while waste feed cut-off instruments were not operating properly.

Improper waste feed.

Operating equipment while sensors were by-passed.

Failure to notify the Division.

- NOV No. 9903007 has been settled by a Judicial Consent Decree. Utah District Judge David S. Young signed this Consent Decree on October 30, 2000. The Consent Decree required the facility to pay a penalty in the amount of \$66,973 dollars as well as submit documentation for review by the Executive Secretary.
- **September 24, 1999** – RCRA Part B Permit issued to the CAMDS. Previous to this date the Division had terminated the RCRA RD&D Permit that CAMDS had been operating under and instructed them to request a Part B Permit.
- **April 13, 2000** – Notice of Violation No. 0002002 issued by the Division to the TOCDF. This NOV addresses findings documented by Division inspectors performing daily site inspections from September of 1998 to September of 1999 and items discovered during a Compliance Evaluation Inspection (CEI) performed in September of 1999. Also addressed in this NOV were items self-reported by the facility. Items addressed in the NOV include:

Exceedance of 90-day storage time limits.

Failure to keep containers of hazardous waste closed when not adding or removing waste.

Failure to properly containerize hazardous waste.
 Failure to properly label containers of hazardous waste.
 Failure to inspect locations where hazardous waste is generated and stored.
 Failure to update the list of facility emergency coordinators.
 Failure to maintain a complete and accurate operating record.
 Failure to remove a possible leaking tank system from service.
 Failure to give proper and timely notice to the Executive Secretary.
 Operation of modified hazardous waste units prior to receiving approval.
 Failure to follow the facility Waste Analysis Plan.
 Failure to follow the facility Inspection Plan.
 Failure to ensure all personnel have attended refresher training courses.
 Failure to perform preventative maintenance in accordance with manufactures specifications.
 Failure to maintain the permit required amount of fire suppression water.
 Failure to follow the Contingency Plan.
 Storage of non-permitted waste.
 Failure to follow facility Standard Operating Procedures.
 Allowing sumps to overfill.
 Failure to drain sumps as required by the facility permit.
 Treatment of non-permitted waste.
 Exceeding incinerator feed rates.
 Failure to follow the Laboratory Quality Control Plan and Procedures and the Agent Monitoring Plan.

- NOV No. 0002002 was settled by a Judicial Consent Decree. Utah District Judge David S. Young signed this Consent Decree on May 30, 2001. The Consent Decree required the facility to submit copies of training documents, checklists and procedures that resolve several of the violations. Additionally, the facility must pay a penalty in the amount of \$113,741 dollars. This penalty amount will either be paid in total or divided into a payment of \$63,741 in cash and completion of a Supplemental Environmental Project to mitigate the remaining \$50,000.
- **March 20, 2001** – Notice of Violation No. 0101001 issued by the Division to the TOCDF. This NOV addresses findings documented by Division inspectors performing daily site inspections from September 1999 to September 2000. Also addressed are items discovered during a Compliance Evaluation Inspection (CEI) performed in September of 2000. Items self reported by the facility are also addressed. Items addressed in the NOV include:

Failure to notify persons on the facility mailing list in the time frame required.
 Exceedance of 90-day storage time limits.
 Failures to ensure that all containers of hazardous waste are labeled.
 Failure to ensure that all containers of hazardous waste are kept closed.
 Missed inspections of areas where hazardous waste is stored.
 Failure to containerize hazardous waste.
 Failure to obtain a detailed chemical and physical analysis of hazardous waste.

Failure to maintain adequate aisle space in areas where hazardous waste is stored.
Failure to keep an adequate operating record.
Failure to remove a leaking tank system from service.
Use of a containment building while the primary barrier was damaged.
Failure to provide oral notification of a spill in the time required as well as other notices.
Failure to maintain the facility so as to prevent or minimize a release of hazardous waste.
Failure to follow inspection procedures.
Failure to follow the training plan.
Failure to follow the Agent Monitoring Plan.
Allowing sumps to overfill.
Exceeding incinerator feed rates.
Failure to cut-off waste feed when feed rates were exceeded.
Incineration of non-permitted waste.
Failure to follow procedures.

- NOV No. 0101001 was settled by a Judicial Consent Decree. Utah District Judge David S. Young signed this Consent Decree on December 10, 2002. The Consent Decree required the facility to submit an ECP and associated work orders that document a resolution to one of the findings and to submit a revised operating record that clarifies feed rate data for the Liquid Incinerators. Additionally, the facility must pay a penalty in the amount of \$55,194 dollars.

Note: Beginning with Notice of Violation No. 0202002 issued on April 25, 2002 the Division began including the DCD, the CAMDS and the TOCDF in one NOV. All three facilities have the same EPA ID Number with separate permits.

- **April 25, 2002** – Notice of Violation No. 0202002 issued by the Division. This NOV was issued to Deseret Chemical Depot and includes findings from TOCDF and CAMDS. All three facilities share the same EPA ID Number and are treated as one facility in this NOV. This NOV addresses findings documented by Division inspectors during the time period of September 2000 to September 2001. Some findings from inspections previous to this time period but not addressed yet are also included as well as permit and rule non-compliances self reported by the facilities. Items addressed in this NOV include:

Failure to notify persons on the facility mailing list in the time frame required.
Failure to modify a permit.
Exceedance of 90-day storage time limits.
Failure to ensure that all containers of hazardous waste are kept closed.
Failure to keep an accurate record of waste stored.
Exceeding permitted tank capacities.
Failure to operate in accordance with facility SOPs.
Failure to replace a Continuous Emission Monitor.
Failure to properly maintain, calibrate and operate monitoring and recording equipment.
Failure to notify the Division of munition drain status problems.
Failure to perform sampling as required.
Improper storage.

Failure to provide oral notification of a spill in the time required.
Failure to maintain the facility so as to prevent or minimize a release of hazardous waste.
Failure to follow inspection procedures.
Failure to follow the training plan.
Failure to follow the Agent Monitoring Plan.
Exceeding incinerator feed rates or improperly feeding waste.

- NOV No. 0202002 was settled by a Judicial Consent Decree. Utah District Judge Randall N. Skanchy signed this Consent Decree on May 20, 2003. The Consent Decree required the facilities to pay a penalty in the amount of \$59,867 dollars.

- **October 2002** – DCD submits application for renewal of RCRA Part B Permit.

- **December 16, 2002** – Notice of Violation No. 0211025 issued by the Division. This NOV was issued to Deseret Chemical Depot and includes findings from DCD, CAMDS and TOCDF. All three facilities share the same EPA ID Number and are treated as one facility in this NOV. Items addressed by this NOV include findings documented by Division inspectors during the time period of September 2001 to September 2002. Also included in this NOV are non-compliances self reported by the facilities. The following is a summary of the items included in this NOV.

Failure to submit a modification request in the required time.
Improper storage/management of waste.
Failure to use appropriate controls to prevent tank overfills.
Operating record, manifest and other paperwork inaccuracies.
Failure to follow monitoring plans.
Failure to follow procedures.
Failure to follow training plans.
Exceeding permitted feed rates and improperly feeding waste.
Failure to follow Waste Analysis Plans.

- NOV No. 0211025 was settled by a Judicial Consent Decree. Utah District Judge Randall N. Skanchy signed this Consent Decree on February 9, 2004. The Consent Decree required the facilities to pay a penalty in the amount of \$108,269 dollars. The facilities were also required to submit a Class 1 Permit Modification Request for one of the facility permits.

- **December 22, 2003** – Notice of Violation No. 0310026 issued by the Division. This NOV was issued to Deseret Chemical Depot and includes findings from DCD, CAMDS and TOCDF. All three facilities share the same EPA ID Number and are treated as one facility in this NOV. Items addressed by this NOV include findings documented by Division inspectors during the time period of October 2002 to August 2003. Also included in this NOV are non-compliances self reported by the facilities. The following is a summary of the

items included in this NOV.

Failure to give notice of a permit modification request within 90 days.
Failure to follow requirements for generators of hazardous waste.
Failure to decontaminate a tank prior to placing a different waste in the tank.
Failure to remove a tank system from service.
Failure to follow monitoring plans and procedures.
Failure to design, construct, maintain and operate facilities to minimize a release to the environment.
Failure to follow facility inspection plans.
Failure to follow facility training plans.
Placement of incompatible materials into a tank system.
Failure to operate tank systems in accordance with permit requirements.
Failure to follow trial burn plans.
Failure to follow laboratory procedures.
Failure to perform audits as scheduled.

- NOV No. 0310026 was settled by a Judicial Consent Decree. Utah District Judge Randall N. Skanchy signed this Consent Decree on November 23, 2004. The Consent Decree required the facilities to pay a penalty in the amount of \$37,291 dollars.
- **May 5, 2004** – RCRA Part B Permit Reissued for the TOCDF.
- **January 25, 2005** – RCRA Part B Permit Reissued for the DCD.
- **February 7, 2005** - Notice of Violation No. 0411037 issued by the Division. This NOV was issued to Deseret Chemical Depot and includes findings from DCD, CAMDS and TOCDF. All three facilities share the same EPA ID Number and are treated as one facility in this NOV. Items addressed by this NOV include findings documented by Division inspectors during the time period of September 2003 to September 2004. Also included in this NOV are non-compliances self reported by the facilities. The following is a summary of the items included in this NOV.

Failure to publish notice of a permit modification request within seven days.
Failure to submit permit modifications within seven days.
Failure to keep the list of emergency coordinators up to date.
Failure to submit required reports within allowed time limits.
Failure to keep a complete operating record.
Failure to follow requirements for generators of hazardous waste.
Failure to keep containers of hazardous waste closed while in storage.
Storage of hazardous waste restricted from land disposal for longer than one year.
Storage of hazardous waste in unpermitted areas.

Storage of hazardous waste that the facility is not permitted to store.
Storage of hazardous waste in containers that are not in good condition.
Failure to maintain adequate aisle space.
Failure to follow monitoring plans and procedures.
Failure to design, construct, maintain and operate facilities to minimize a release to the environment.
Failure to follow facility inspection plans.
Failure to follow facility contingency plans.
Performance of unpermitted treatment of hazardous waste.
Failure to follow facility waste analysis plans.
Failure to follow facility training plans.
Failure to provide leak detection equipment capable of detecting a release of hazardous waste.
Placement of unpermitted hazardous waste into a tank system.
Failure to operate tank systems in accordance with permit requirements.
Failure to follow trial burn plans.
Failure to cut-off waste feed as required by permit.
Exceeding waste feed limits or feeding waste to incinerators improperly.
Failure to perform closure activities as required by regulations.

- NOV No. 0411037 was settled by a Judicial Consent Decree. Utah District Judge Randall N. Skanchy signed this Consent Decree on January 17, 2006. The Consent Decree required the facilities to pay a penalty in the amount of \$125,115 dollars. Additionally, CAMDS was required to submit a Closure Sequence List to the Executive Secretary and TOCDF was required to submit a schedule for replacement of sump level detection probes.